

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:18-CV-196-D

HAMPTON ALLEN MORRIS,

Plaintiff,

v.


CITY OF LUMBERTON, and  
CHUCK LEAVITT,

Defendants.

**ORDER**

The court DISMISSES as moot defendants' first motion to dismiss [D.E. 14]. The court DENIES defendants' second motion to dismiss for failure to state a claim except that the court DISMISSES any official-capacity claim against Chuck Leavitt [D.E. 20]. Whether plaintiff's claims will survive a motion for summary judgment is an issue for another day.

SO ORDERED. This 16 day of April 2019.

  
JAMES C. DEVER III  
United States District Judge